

Exhibit 26

FILED UNDER SEAL

Exhibit 6

1 UNITED STATES DISTRICT COURT
2
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WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

4
5 VIRTAMOVE, CORP.,)
6 Plaintiff,)
7 vs.) Case No.
8 AMAZON.COM, INC.; AMAZON.COM) 7:24-CV-00030-DC-DTG
9 SERVICES LLC; and)
10 AMAZON WEB SERVICES, INC.,)
Defendants.)
-----)
11
12
13 VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF
14 PHIL ESTES
15
16 Friday, August 23, 2024
17 Remotely Testifying from Charlottesville, Virginia
18
19
20
21
22
23 Stenographically Reported By:
24 Hanna Kim, CLR, CSR No. 13083
25 Job No. 6879934

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8	AMAZON.COM, INC.; AMAZON.COM)	9		
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11		15		
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13	Virtual videoconference video-recorded	17		
14	deposition of PHIL ESTES, taken on behalf of the	18		
15	Plaintiff, remotely testifying from Charlottesville,	19		
16	Virginia, on Friday, August 23, 2024, before Hanna	20		
17	Kim, CLR, Certified Shorthand Reporter, No. 13083.	21		
18		22		
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1	REMOTE APPEARANCES OF COUNSEL:	1	INDEX OF EXHIBITS	
2		2		
3	FOR PLAINTIFF VIRTAMOVE, CORP.:	3	ESTES DEPOSITION EXHIBITS	PAGE
4	RUSS AUGUST & KABAT	4	Exhibit 1 "DECLARATION OF PHIL ESTES IN	10
5	BY: QI (PETER) TONG, ESQ.	5	SUPPORT OF DEFENDANTS' MOTION	
6	4925 Greenville Ave, Suite 200	6	TO DISMISS OR TRANSFER"; 5	
7	Dallas, Texas 75206	7	pages	
8	310.826.7474	8	Exhibit 2 Printout of LinkedIn profile	53
9	ptong@raklaw.com	9	of Phil Estes; 4 pages	
10		10	--oo--	
11	FOR DEFENDANTS AMAZON.COM, INC.; AMAZON.COM SERVICES	11		
12	LLC; and AMAZON WEB SERVICES, INC.:	12		
13	KNOBBE, MARTENS, OLSON & BEAR	13		
14	BY: NATHAN D. REEVES, ESQ.	14		
15	925 4th Avenue, Suite 2500	15		
16	Seattle, Washington 98104	16		
17	206.405.2000	17		
18	nathan.reeves@knobbe.com	18		
19		19		
20	ALSO PRESENT:	20		
21	STEVEN TOGAMI, Videographer	21		
22		22		
23		23		
24		24		
25		25		
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<p>1 Remotely Testifying from Charlottesville, Virginia</p> <p>2 Friday, August 23, 2024</p> <p>3 1:31 p.m., Eastern Daylight Time</p> <p>4 --00o--</p> <p>5 THE VIDEOGRAPHER: We are on the record at 01:31:23</p> <p>6 1:31 p.m., on August 23rd, 2024.</p> <p>7 Please note that this deposition is being</p> <p>8 conducted virtually.</p> <p>9 Quality of recording depends on the</p> <p>10 quality of camera and internet connection of 01:31:55</p> <p>11 participants.</p> <p>12 What is seen from the witness and heard on</p> <p>13 screen is what will be recorded.</p> <p>14 Audio and video recording will continue to</p> <p>15 take place unless all parties agree to go off the 01:32:02</p> <p>16 record.</p> <p>17 This is Media Unit Number 1 of the</p> <p>18 video-recorded deposition of Phil Estes, taken by</p> <p>19 counsel for the Plaintiff, in the matter of</p> <p>20 VirtaMove Corporation versus Amazon.com, Inc., 01:32:20</p> <p>21 et al., filed in the United States District Court,</p> <p>22 for the Western District of Texas, Midland/Odessa</p> <p>23 Division, Case Number 7:24-cv-00030-DC-DTG.</p> <p>24 My name is Steven Togami, representing</p> <p>25 Veritext Legal Solutions, and I am the videographer. 01:32:49</p>	<p>1 PHIL ESTES,</p> <p>2 having been duly administered an oath,</p> <p>3 remotely upon the stipulation of counsel,</p> <p>4 was examined and testified as follows:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MR. TONG:</p> <p>8 Q. Thank you.</p> <p>9 Have you ever been deposed before,</p> <p>10 Mr. Estes? 01:34:16</p> <p>11 A. No, I have not.</p> <p>12 Q. Okay. So I'm going to go over a few rules</p> <p>13 with you.</p> <p>14 Is that all right?</p> <p>15 A. Yes. 01:34:22</p> <p>16 Q. So in this proceeding I'm going to ask you</p> <p>17 some questions, and you must answer them truthfully</p> <p>18 under oath.</p> <p>19 Your attorney may object from time to</p> <p>20 time, but you are still required to answer the 01:34:30</p> <p>21 question that I ask unless your attorney clearly and</p> <p>22 directly instructs you not to answer.</p> <p>23 Do you understand?</p> <p>24 A. Yes.</p> <p>25 Q. There's no judge here today, but this is a 01:34:41</p>
<p>Page 6</p> <p>1 The court reporter is Hanna Kim, from the</p> <p>2 firm Veritext Legal Solutions.</p> <p>3 I am not related to any party in this</p> <p>4 action, nor am I financially interested in the</p> <p>5 outcome. 01:32:57</p> <p>6 If there are any objections to proceeding,</p> <p>7 please state them at the time of your appearance.</p> <p>8 At this time, will counsel and all present</p> <p>9 please state their appearances and affiliations for</p> <p>10 the record, starting with the noticing party. 01:33:17</p> <p>11 MR. TONG: This is Peter Tong from Russ</p> <p>12 August & Kabat on behalf of VirtaMove Corporation.</p> <p>13 MR. REEVES: Nathan Reeves from Knobbe,</p> <p>14 Martens, Olson & Bear on behalf of Defendants and</p> <p>15 the witness. 01:33:35</p> <p>16 THE WITNESS: Phillip Estes from Amazon</p> <p>17 Web Services.</p> <p>18 ///</p> <p>19 ///</p> <p>20 ///</p> <p>21 ///</p> <p>22 ///</p> <p>23 ///</p> <p>24 ///</p> <p>25 ///</p>	<p>1 legal proceeding just like you're testifying in</p> <p>2 court, and you are under the same legal obligation</p> <p>3 to tell the truth under the penalty of perjury.</p> <p>4 Do you understand that?</p> <p>5 A. Yes, I do. 01:34:57</p> <p>6 Q. If you don't understand one of my</p> <p>7 questions, you can feel free to say so and ask for</p> <p>8 clarification.</p> <p>9 What you say today can be used in court,</p> <p>10 and you will have an opportunity to read over the 01:35:09</p> <p>11 transcript to correct any transcription mistakes.</p> <p>12 Do you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. From time to time we can take a break if</p> <p>15 you need to. And you can ask for a break at any 01:35:26</p> <p>16 time, but we will not take a break while a question</p> <p>17 is pending.</p> <p>18 Do you understand that?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Are you on any drugs or medications 01:35:35</p> <p>21 that may affect your memory or ability to tell the</p> <p>22 truth today?</p> <p>23 A. No, I am not.</p> <p>24 Q. Okay. Is there any other reason why you</p> <p>25 cannot provide truthful testimony today? 01:35:51</p>

1 A. No.	1 corrections, but I have several places where I list
2 Q. Okay. I would like to at this time	2 my biography. And I'm still correcting all the
3 introduce Exhibit 1, which is -- which has been	3 places that still say I'm the chair of the technical
4 premarked. It is the "DECLARATION OF PHIL ESTES."	4 oversight board. So this is yet another one that
5 (Estes Deposition Exhibit 1 was marked for 01:36:13	5 I -- that I had missed. 01:38:58
6 identification electronically.)	6 Q. Sorry. The question wasn't really about
7 BY MR. TONG:	7 what you missed.
8 Q. Mr. Estes, could you please open up this	8 Do you have an estimate as to the number
9 document.	9 of hours that you had worked on this declaration;
10 A. I have it open. 01:36:18	10 for example, whether it was one or two or ten or a 01:39:10
11 Q. Okay. Do you recognize this as a true and	11 hundred hours?
12 correct copy of the declaration that you had	12 A. I would guess one or two hours.
13 submitted in this case?	13 Q. Okay. Did you write the first draft of
14 A. Yes, I do. And there is one correction	14 this declaration?
15 that I'd like to make either at this time or when we 01:36:34	15 MR. REEVES: Objection. Vague. 01:39:24
16 are discussing it.	16 THE WITNESS: No, I didn't draft every
17 Q. Sure.	17 word of this declaration.
18 What is that correction?	18 BY MR. TONG:
19 A. Paragraph 2 begins "I am also the Chair of	19 Q. Did you write the first draft of this
20 the Technical Oversight Board." 01:36:47	20 declaration? 01:39:35
21 Q. Mm-hmm.	21 MR. REEVES: Objection. Asked and
22 A. And I did not catch that when we first	22 answered.
23 went over this document, that -- I had been the	23 THE WITNESS: As I said, I didn't write
24 chair for many years, but I've -- I'm still a	24 every word of this document.
25 member, but I'm no longer the actual chair of the 01:37:0	125 BY MR. TONG: 01:39:45
Page 10	Page 12
1 oversight board.	1 Q. Okay. Did you review any documents when
2 Q. Okay. In what years were you the chair?	2 you were preparing this declaration?
3 A. I would have to look it up to be exact,	3 MR. REEVES: Objection. Vague.
4 but it was through last January, to the best of my	4 THE WITNESS: Could you restate that in --
5 recollection. 01:37:23	5 in the sense of what documents you would -- I would 01:40:11
6 Q. And as the chair of the technical	6 review to author this?
7 oversight board, what were your responsibilities?	7 BY MR. TONG:
8 A. Yeah, the oversight board for the open	8 Q. Sure.
9 container initiative simply exists to -- to make	9 In order to inform your knowledge about
10 sure that the operation of that foundation -- 01:37:44	10 the facts stated in this declaration, did you review 01:40:23
11 foundation's technical activities aren't stuck.	11 any documents?
12 So it's a board that only meets as	12 A. No.
13 necessary. And so while chair, I -- I chaired the	13 MR. REEVES: Objection. Vague.
14 meetings of that board that were required as	14 BY MR. TONG:
15 necessary. 01:38:05	15 Q. Did you do any searching or investigation 01:40:36
16 And I -- as I've mentioned, I'm still a	16 specifically to inform your knowledge of the facts
17 member, so I -- I still attend the meetings, but I'm	17 in this declaration?
18 no longer the chair.	18 A. No.
19 Q. Are those meetings held virtually?	19 MR. REEVES: Objection. Vague.
20 A. Yes, they are. 01:38:18	20 BY MR. TONG: 01:40:54
21 Q. Okay. How long did you spend preparing	21 Q. Sorry, could you repeat your answer?
22 and drafting this declaration?	22 A. No, I did not.
23 A. I -- I -- I -- I don't know an exact time.	23 Q. Okay. Other than attorneys, did you speak
24 But, you know, it's obviously quite a simple	24 to any people in order to inform your knowledge of
25 declaration. And I reviewed it, made necessary 01:38:39	25 the facts in this declaration? 01:41:11
Page 11	Page 13

1 THE WITNESS: FOSSY was in Portland,	1 MR. REEVES: Sure.
2 Oregon. FOSDEM is in Brussels, Belgium. State of	2 THE VIDEOGRAPHER: Going off the record at
3 OpenCon is London, UK. KubeCon last fall was in	3 2:55 p.m.
4 Chicago, and Open Source Summit was in Seattle.	4 (Short recess taken.)
5 BY MR. TONG: 02:52:59	5 THE VIDEOGRAPHER: Going back on the 03:02:24
6 Q. And your presentations there all related	6 record at 3:02 p.m.
7 somewhat to containers?	7 MR. TONG: Thank you.
8 A. That --	8 BY MR. TONG:
9 MR. REEVES: Objection. Vague.	9 Q. Do you have any knowledge of Sun
10 THE WITNESS: That is correct. 02:53:09	10 Microsystems' development of Solaris in 2002? 03:02:48
11 BY MR. TONG:	11 MR. REEVES: Objection. Outside the
12 Q. Let's see.	12 scope. Vague. Calls for speculation.
13 In Paragraph 4 of your declaration, you	13 THE WITNESS: No.
14 say that "Mr. McGowan is also part of the core team	14 BY MR. TONG:
15 that mentions [as read] 'containerd,' 02:53:44	15 Q. Okay. Do you have any knowledge related 03:03:11
16 C-O-N-T-A-I-N-E-R-D -- sorry. Let me try and spell	16 to Solaris's development of its zones technology
17 that again. C-O-N-T-A-I-N-E-R-D.	17 in -- around the 2002/2003 time frame?
18 Do you see that?	18 MR. REEVES: Objection. Outside the
19 A. Yes.	19 scope. Vague. Calls for speculation.
20 Q. Could you explain to a judge or jury who 02:54:06	20 THE WITNESS: I know about the technology 03:03:31
21 doesn't have a software background, what is	21 generally, but I have no idea about its development
22 "containerd"?	22 or specifics about the technology.
23 MR. REEVES: Objection. Vague. Asked and	23 BY MR. TONG:
24 answered.	24 Q. And you certainly were not involved in
25 THE WITNESS: Yeah, I answered that in -- 02:54:19	25 Sun's development of zones in the 2002/2003 time 03:03:43
Page 50	Page 52
1 in our prior se- -- segment. So I don't know if	1 frame; correct?
2 you're looking for a -- if you thought this was a	2 MR. REEVES: Objection. Vague. Outside
3 different project. This is the same project I	3 the scope.
4 mentioned.	4 THE WITNESS: That is correct.
5 BY MR. TONG: 02:54:35	5 MR. TONG: I'm going to introduce the 03:04:02
6 Q. I want to make sure we have different	6 final exhibit today -- what I expect to be our final
7 answers for a container, C-O-N-T-A-I-N-E-R, and this	7 exhibit.
8 specific thing spelled C-O-N-T-A-I-N-E-R-D.	8 Okay. It should be uploaded to the
9 This "containerd" spelling, is that	9 Exhibit Share site. Please let me know when you are
10 something different from a generic container? 02:55:01	10 able to access a copy of it. 03:04:56
11 MR. REEVES: Objection. Vague.	11 (Estes Deposition Exhibit 2 was marked for
12 THE WITNESS: Yes. This is the project I	12 identification electronically.)
13 mentioned that came out of the Docker engine project	13 THE WITNESS: Yes, I just opened it.
14 into its own open-source project when we talked	14 BY MR. TONG:
15 about its location on GitHub, where I am also one of 02:55:21	15 Q. Do you recognize this as a copy of your 03:05:06
16 the core maintainers of this project.	16 LinkedIn profile?
17 MR. REEVES: Hence, I believe it's	17 A. Yes.
18 pronounced "containerd," if that helps.	18 Q. In the first paragraph it says you're
19 MR. TONG: "Containerd." Okay.	19 "currently an OSS maintainer for the CNCF containerd
20 THE WITNESS: Yes. 02:55:42	20 project." [As read] 03:05:29
21 BY MR. TONG:	21 What do those acronyms stand for?
22 Q. That seems to clean up my confusion.	22 A. OSS --
23 MR. TONG: All right. Could we take a	23 MR. REEVES: Objection. Lacks foundation.
24 quick five-minute break? I am nearing the end of my	24 THE WITNESS: OSS is open-source software.
25 outline. 02:56:09	25 A common just shorthand for open-source software. 03:05:40
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<p>1 CNCF is the Cloud Native Computing 2 Foundation.</p> <p>3 BY MR. TONG:</p> <p>4 Q. Did you work on container technology at 5 IBM before you joined Amazon Web Services? 03:06:06</p> <p>6 MR. REEVES: Objection. Vague.</p> <p>7 THE WITNESS: Yes, I did.</p> <p>8 BY MR. TONG:</p> <p>9 Q. Could you generally describe your roles 10 and responsibilities related to container technology 03:06:24</p> <p>11 at IBM?</p> <p>12 MR. REEVES: Objection. Vague.</p> <p>13 THE WITNESS: Yes.</p> <p>14 I had a -- essentially the same role in 15 open source at both companies. So I was a 03:06:43</p> <p>16 maintainer of Docker and then of "containerd" while 17 at IBM and continued to be so here at AWS.</p> <p>18 BY MR. TONG:</p> <p>19 Q. What IBM products did you work on?</p> <p>20 MR. REEVES: Objection. Vague. Lacks 03:07:12</p> <p>21 foundation. Outside the scope.</p> <p>22 THE WITNESS: So very similar to my role 23 at Amazon, I'm not directly writing code or leading 24 specific software teams for the services of IBM's 25 cloud, and I also don't do that here. 03:07:38</p>	<p>1 technology, there were other employees also 2 contributing, not from my team, but others were.</p> <p>3 BY MR. TONG:</p> <p>4 Q. What's your best estimate of how many 5 other employees were contributing to container 03:09:56</p> <p>6 technology at IBM on the East Coast?</p> <p>7 MR. REEVES: Objection. Vague. Calls for 8 speculation. Outside the scope.</p> <p>9 THE WITNESS: Yeah, I -- I -- picking a 10 number would be -- especially given it's been many 03:10:19</p> <p>11 years, I'm -- I would represent it as a handful.</p> <p>12 Many employees worked directly on the cloud 13 services, so contributing to open source was a -- a 14 much smaller group of people on the order of single 15 digits. 03:10:38</p> <p>16 BY MR. TONG:</p> <p>17 Q. Okay. On your LinkedIn, toward the bottom 18 of page 2, do you see where it says "STSM, IBM Cloud 19 Division"? [As read]</p> <p>20 A. Yes, I do. 03:10:54</p> <p>21 Q. What does "STSM" stand for?</p> <p>22 A. It stands for senior technical staff 23 member. Others in the industry call it member of 24 technical staff.</p> <p>25 Q. In the last sentence, underneath that 03:11:09</p>
<p>Page 54</p> <p>1 I work with the open-source technologies 2 that are used by, at the time IBM and now AWS, to 3 make cloud software, manage software services. But 4 I did not work on -- directly on the teams of any 5 IBM cloud service. 03:07:58</p> <p>6 BY MR. TONG:</p> <p>7 Q. Were you part of a team at IBM?</p> <p>8 A. Yes. I was in the office of the CTO.</p> <p>9 Q. Where was that office?</p> <p>10 A. It was a title; the -- the office of the 03:08:28</p> <p>11 CTO was a title. The team itself was virtual 12 worldwide.</p> <p>13 Q. Did you work with any other IBM team 14 members on the East Coast?</p> <p>15 MR. REEVES: Objection. Vague. 03:08:59</p> <p>16 THE WITNESS: Yes. Our IBM research and 17 headquarters are both located in the state of New 18 York.</p> <p>19 BY MR. TONG:</p> <p>20 Q. Were there engineers there who also worked 03:09:18</p> <p>21 on container-related technology?</p> <p>22 MR. REEVES: Objection. Vague. Calls for 23 speculation.</p> <p>24 THE WITNESS: Yes. If you mean 25 contributing to the open-source container 03:09:36</p>	<p>Page 56</p> <p>1 heading, do you see where it says, "Phil currently 2 works with IBM's Docker partnership, both in direct 3 Docker community participation as well as cross-IBM 4 Docker expertise for our clients and internal 5 product teams"? 03:11:38</p> <p>6 A. Yes, I do.</p> <p>7 Q. Can you give some of -- some examples of 8 the clients?</p> <p>9 MR. REEVES: Objection. Vague. Outside 10 the scope. 03:11:55</p> <p>11 THE WITNESS: I presented to -- to many 12 IBM customers. Some of them would come to my talks 13 at a conference, and then note that they were IBM 14 customers and were interested in our activity with 15 Docker. Verizon, Apple, Cisco. Yeah, I mean, 03:12:17</p> <p>16 that's a few -- that's a few.</p> <p>17 BY MR. TONG:</p> <p>18 Q. And what are the names of the internal 19 product teams that are referenced in that paragraph?</p> <p>20 MR. REEVES: Objection. Vague. Outside 03:12:42</p> <p>21 the scope.</p> <p>22 THE WITNESS: So IBM had a Kubernetes 23 service called IKS. That would be an internal team 24 that used container technology. There's another 25 service that's been renamed that was serverless 03:13:00</p>

<p>1 functions. Functions is a service that was using 2 container technology. So those were internal teams 3 at IBM cloud.</p> <p>4 BY MR. TONG:</p> <p>5 Q. What does "IKS" stand for? 03:13:17</p> <p>6 A. It stands for IBM Kubernetes Service.</p> <p>7 Q. Do you know where the IKS team was 8 located?</p> <p>9 MR. REEVES: Objection. Vague. Outside 10 the scope. 03:13:34</p> <p>11 THE WITNESS: Primarily in Raleigh, North 12 Carolina, at least their leaders that I interacted 13 with were in Raleigh; and also in Rochester, 14 Minnesota.</p> <p>15 BY MR. TONG: 03:13:53</p> <p>16 Q. And the serverless functions, was that 17 another team?</p> <p>18 A. Yes.</p> <p>19 Q. And do you know where they were located?</p> <p>20 MR. REEVES: Objection. Vague. Outside 03:14:09 21 the scope.</p> <p>22 THE WITNESS: Mostly in -- 23 (Interruption in audio/video.)</p> <p>24 THE COURT REPORTER: Could you repeat 25 that, please. 03:14:16</p>	<p>1 is one of the foremost knowledgeable experts, all 2 the way back to the beginning of the Docker era. So 3 he -- he would be well qualified to speak on any 4 relevant history or technology choices of Docker, 5 the project, or Docker the company that he works 03:16:10 6 for.</p> <p>7 BY MR. TONG:</p> <p>8 Q. Docker's code is kept in a [verbatim] 9 online repository; correct?</p> <p>10 MR. REEVES: Objection. Vague. Outside 03:16:25 11 the scope.</p> <p>12 THE WITNESS: Yes. Correct.</p> <p>13 BY MR. TONG:</p> <p>14 Q. And that repository tracks the dates as to 15 when code is checked in and updated; correct? 03:16:39</p> <p>16 MR. REEVES: Objection. Asked and 17 answered. Vague.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. TONG:</p> <p>20 Q. If the development of Docker's code is 03:16:52 21 well-documented with check-in times, do you know 22 what Tonis Tiigi would have to add to this history?</p> <p>23 MR. REEVES: Objection. Vague. Lacks 24 foundation. Assumes facts. Outside the scope.</p> <p>25 Calls for speculation. 03:17:17</p>
<p>1 THE WITNESS: Yes. Mostly in Böblingen, 2 Germany.</p> <p>3 BY MR. TONG:</p> <p>4 Q. Okay. And I have two more very quick 5 lines of questions for you. 03:14:37</p> <p>6 The first is about Tonis Tiigi -- or 7 Tiigi. Do you have any idea of what Tonis Tiigi is 8 expected to testify about at trial?</p> <p>9 MR. REEVES: Objection. Vague. Lacks 10 foundation. Outside the scope. Calls for 03:15:07 11 speculation.</p> <p>12 THE WITNESS: I -- yeah.</p> <p>13 So I'm -- I'm going to say no because I'm 14 not quite sure -- I'm -- maybe you should restate 15 the question, but, no. 03:15:20</p> <p>16 BY MR. TONG:</p> <p>17 Q. Sure.</p> <p>18 I mean, if Amazon is contending that Tonis 19 Tiigi would be relevant at trial, what might he be 20 relevant to testify about? 03:15:32</p> <p>21 MR. REEVES: Objection. Vague. Lacks 22 foundation. Outside the scope. Calls for 23 speculation.</p> <p>24 THE WITNESS: So given the knowledge I 25 have that this relates to container technology, he 03:15:46</p>	<p>1 THE WITNESS: Since you mentioned working 2 on software teams, I think the easiest answer is 3 that knowing the date and time in which something is 4 checked in versus knowing the intricate details of 5 how it works or why it works the way it does or why 03:17:38 6 a change would be made is best left to people who 7 regularly interact with that software code.</p> <p>8 BY MR. TONG:</p> <p>9 Q. And do you believe that why code changes 10 is relevant to a legal issue in this case? 03:18:04</p> <p>11 MR. REEVES: Objection. Vague. Lacks 12 foundation. Outside the scope. Calls for 13 speculation. Calls for a legal conclusion.</p> <p>14 THE WITNESS: Yeah, since I don't know the 15 stated purposes or claims, then I -- I'm simply 03:18:28 16 stating that any kind of claim would have to be 17 dealt with someone who understands the code to even 18 know, you know, how to -- how to make a statement 19 about Docker's code or its history or -- or any 20 relevant details. 03:18:55</p> <p>21 BY MR. TONG:</p> <p>22 Q. And you don't have any legal education; do 23 you?</p> <p>24 A. No formal le- -- legal education, no.</p> <p>25 Q. Would it surprise you to learn that 03:19:08</p>

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1 normally there are technical experts who explain	1 We are off the record at 3:21 p.m., and
2 topics such as the operation of source code in	2 this concludes today's testimony given by Phil
3 patent trials?	3 Estes. The total number of media used was two and
4 MR. REEVES: Objection. Vague. Calls for	4 will be retained by Veritext Legal Solutions. Thank
5 speculation. Lacks foundation. 03:19:26	5 you. 03:22:17
6 THE WITNESS: No. I -- if -- definitely	6 (Proceedings concluded, 3:21 p.m., EDT, on
7 not surprised.	7 August 23, 2024.)
8 BY MR. TONG:	8
9 Q. Is there anything you believe that	9
10 Mr. Tonis Tiigi would add to the facts beyond what a 03:19:45	10
11 source code technical expert could explain?	11
12 MR. REEVES: Objection. Vague. Lacks	12
13 foundation. Calls for a legal conclusion. Asked	13
14 and answered. Calls for speculation.	14
15 THE WITNESS: Yeah, I -- I don't 03:20:12	15
16 understand the purpose of the -- the line of	16
17 questioning. And, you know, we can talk about	17
18 Tonis' understanding and capabilities, and that's --	18
19 that's all I'm representing is his knowledge of this	19
20 specific code base. 03:20:30	20
21 BY MR. TONG:	21
22 Q. Okay.	22
23 But as we sit here today, do you know a	23
24 particular issue of patent infringement that he has	24
25 relevant testimony about? 03:20:53	25
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Page 64	
1 MR. REEVES: Objection. Asked and	1 JURAT
2 answered. Vague. Calls for a legal conclusion.	2
3 Calls for speculation.	3 I, PHIL ESTES, do hereby certify under
4 THE WITNESS: No, I do not.	4 penalty of perjury that I have read the foregoing
5 BY MR. TONG: 03:21:04	5 transcript of my deposition taken remotely via
6 Q. And as we sit here today, do you know a	6 videoconference on Friday, August 23, 2024; that I
7 particular issue of patent invalidity that Mr. Tonis	7 have made such corrections as appear noted herein in
8 Tiigi has relevant testimony about at trial?	8 ink, initialed by me; that my testimony as contained
9 MR. REEVES: Same objections.	9 herein, as corrected, is true and correct.
10 THE WITNESS: No. 03:21:17	10
11 BY MR. TONG:	11 Dated this _____ day of _____, 2024,
12 Q. As we sit here today, do you know a	12 at _____.
13 relevant issue of patent damages that Mr. Tonis	13
14 Tiigi has relevant testimony about at trial?	14
15 MR. REEVES: Same objections. 03:21:30	15
16 THE WITNESS: No.	16
17 MR. TONG: All right.	17
18 No further questions on direct.	18 _____
19 MR. REEVES: All right. We'll reserve the	19
20 right to review and sign. 03:21:50	20
21 MR. TONG: Okay. Thank you for your time,	21
22 Mr. Estes.	22
23 We can go off the record.	23
24 THE WITNESS: Thank you.	24
25 THE VIDEOGRAPHER: Hanna? Okay. 03:22:00	25 JOB NO. 6879934
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<p>1 CERTIFICATE OF REPORTER 2 I, Hanna Kim, a Certified Shorthand 3 Reporter, do hereby certify: 4 That prior to being examined, the witness 5 in the foregoing proceedings was by me duly sworn to 6 testify to the truth, the whole truth, and nothing 7 but the truth; 8 That said proceedings were taken before me 9 at the time and place therein set forth remotely via 10 videoconference and were taken down by me in 11 shorthand and thereafter transcribed into 12 typewriting under my direction and supervision; 13 I further certify that I am neither 14 counsel for, nor related to, any party to said 15 proceedings, not in anywise interested in the 16 outcome thereof. 17 Further, that if the foregoing pertains to 18 the original transcript of a deposition in a federal 19 case, before completion of the proceedings, review 20 of was not requested. 21 have hereunto 22 su 23 24 25 Hanna Kim CLR, CSR No. 13083</p>	<p>1 <input type="checkbox"/> Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF 2 Transcript - The witness should review the transcript and 3 make any necessary corrections on the errata pages included 4 below, notating the page and line number of the corrections. 5 The witness should then sign and date the errata and penalty 6 of perjury pages and return the completed pages to all 7 appearing counsel within the period of time determined at 8 the deposition or provided by the Federal Rules. 9 <input type="checkbox"/> Federal R&S Not Requested - Reading & Signature was not 10 requested before the completion of the deposition. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>Page 66</p> <p>1 NATHAN D. REEVES 2 nathan.reeves@knobbe.com 3 September 4, 2024 4 RE: Virtamove, Corp. v. AMAZON.COM, INC., 5 8/23/2024, Phil Estes, (#6879934). 6 The above-referenced transcript has been 7 completed by Veritext Legal Solutions and 8 review of the transcript is being handled as follows: 9 <input type="checkbox"/> Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext 10 to schedule a time to review the original transcript at 11 a Veritext office. 12 <input checked="" type="checkbox"/> Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF 13 Transcript - The witness should review the transcript and 14 make any necessary corrections on the errata pages included 15 below, notating the page and line number of the corrections. 16 The witness should then sign and date the errata and penalty 17 of perjury pages and return the completed pages to all 18 appearing counsel within the period of time determined at 19 the deposition or provided by the Code of Civil Procedure. 20 Contact Veritext when the sealed original is required. 21 <input type="checkbox"/> Waiving the CA Code of Civil Procedure per Stipulation of 22 Counsel - Original transcript to be released for signature 23 as determined at the deposition. 24 <input type="checkbox"/> Signature Waived – Reading & Signature was waived at the 25 time of the deposition.</p>	<p>Page 68</p> <p>1 Virtamove, Corp. v. AMAZON.COM, INC., 2 Phil Estes (#6879934) 3 E R R A T A S H E E T 4 PAGE <input type="text"/> LINE <input type="text"/> CHANGE <input type="text"/> 5 <input type="text"/> 6 REASON <input type="text"/> 7 PAGE <input type="text"/> LINE <input type="text"/> CHANGE <input type="text"/> 8 <input type="text"/> 9 REASON <input type="text"/> 10 PAGE <input type="text"/> LINE <input type="text"/> CHANGE <input type="text"/> 11 <input type="text"/> 12 REASON <input type="text"/> 13 PAGE <input type="text"/> LINE <input type="text"/> CHANGE <input type="text"/> 14 <input type="text"/> 15 REASON <input type="text"/> 16 PAGE <input type="text"/> LINE <input type="text"/> CHANGE <input type="text"/> 17 <input type="text"/> 18 REASON <input type="text"/> 19 PAGE <input type="text"/> LINE <input type="text"/> CHANGE <input type="text"/> 20 <input type="text"/> 21 REASON <input type="text"/> 22 <input type="text"/> 23 <input type="text"/> 24 (Phil Estes) Date <input type="text"/> 25</p>

18 (Pages 66 - 69)

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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